

Application No. 10/686,013
Paper Dated: August 22, 2005
In Reply to USPTO Correspondence of June 1, 2005
Attorney Docket No. 964-031638

AMENDMENTS TO THE DRAWINGS

The attached drawing sheet includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachments: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

This Amendment cancels claim 4 and amends claims 1, 5, 6, and 12-18 in accordance with the original disclosure. Support for the claim amendments is found, for example, in canceled claim 4, in Fig. 1, and in the specification at, for example, paragraph 0007. Claims 1-3 and 5-20 remain in this application.

Objection to the Specification

The specification was objected to for a typographical error in paragraph 0010. As set forth above, Applicant has corrected this typographical error to change the phrase “party open” to “partly open”.

Objections to the Drawings

The drawings were objected to for not specifically showing the “battery block” and the “rear portion of the beam being rigidly connected with a rear counterweight”. In response, Applicant encloses herewith a copy of Fig. 1 showing proposed drawing corrections in red ink to show the battery block “B” and rear counterweight “R” as described in the specification. Approval of the proposed drawing corrections is respectfully requested.

Claim Objections

Claims 12-18 are objected to for the “awkwardly worded” phrases set forth in paragraph 4 of the Office Action. As set forth above, Applicant has amended claims 12-18 (as well as claims 5 and 6) as suggested by the Examiner to amend these phrases.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-6 and 9-18 stand rejected under 35 U.S.C. § 102(e) in view of JP 2002-265191 (hereinafter “JP '191”). Claims 7, 8, 19, and 20 stand rejected under 35 U.S.C. § 103(a) over JP '191. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Firstly, regarding the rejections based on 35 U.S.C. § 102(e), Applicant believes this was a typographical error since JP '191 is a Japanese patent and does not qualify as prior art under § 102(e). Applicant assumes the Examiner meant to cite § 102(b).

Claim 1, as amended, is directed to a fork lift truck comprising a chassis and a battery block inside the chassis. The chassis has a lateral opening for removal of the battery block in a substantially lateral direction. The chassis includes a beam to which a bending load can be applied and which beam is located on an upper side of the lateral opening in the chassis. The chassis is at least partly open on the bottom underneath the battery block. The space underneath the battery block is at least partly free of load-bearing chassis components.

JP '191, as best understood, discloses a frame structure for an industrial vehicle in which a basic fork lift chassis can be manufactured and a reinforcing plate 10 can be attached depending upon how the battery is to be removed. In Figs. 3 and 4, it appears that the reinforcing plate 10 can be bolted in place by nuts and bolts (15, 16) in a first configuration between two side walls 13 and 14 of the battery storing chamber 7 if the battery is to be vertically removed (Fig. 3) or the reinforcing plate 10 can be bolted in place (15, 16) in a second position between the side walls 13 and 14 if the battery block is to be removed laterally (Fig. 4).

However, JP '191 does not teach or suggest the claimed fork lift truck having a beam to which a bending load can be applied located on an upper side of a lateral chassis opening, with the chassis at least partly open on the bottom underneath the battery block and with the space underneath the battery block being at least partly free of load-bearing chassis components. In both Figures 3 and 4, the reinforcing plate 10 is located inside the battery storing chamber 7 in both configurations. Additionally, the battery storing chamber 7 of JP '191 appears to have a solid floor 51 (see Fig. 7). Thus, JP '191 does not teach or suggest the claimed structure of the chassis at least partly open on the bottom underneath the battery nor the limitation that the space underneath the battery block is at least partly free of load-bearing chassis components, as claimed in claim 1.

Therefore, claim 1, as amended, is believed patentable over the cited prior art and in condition for allowance. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 2, 3, and 5-20 depend either directly or indirectly from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

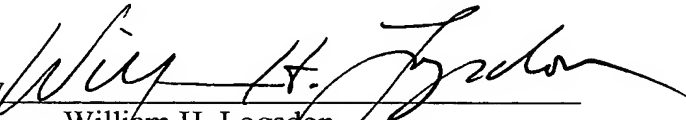
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Conclusion

In view of the above amendments and remarks, reconsideration of the objection to the specification, approval of the proposed drawing corrections, and reconsideration of the objections and rejections of claims 1-3 and 5-20 are respectfully requested.

Respectfully submitted,

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